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**MEMORANDUM ENDORSED**

August 31, 2023

**VIA ELECTRONIC FILING**

The Honorable Gregory H. Woods, U.S.D.J.  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 2260  
New York, New York 10007

RE: The Travelers Indemnity Company v. Starr Indemnity & Liability Company  
Docket No. : 1:23-CV-02424-GHW  
Our File No. : 03-1895.CVS

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Dear Judge Woods:

Our office represents defendant Starr Indemnity & Liability Company (“Starr”) in the above-referenced matter. This matter is a declaratory judgment action wherein plaintiff seeks coverage on behalf of its named insured on a commercial general liability policy issued by Starr.

On August 31, 2023 (Docket No. 19), the Court denied Starr’s letter motion to extend its time to answer until November 13, 2023, as well as adjourn the Initial Pretrial Conference, presently scheduled on September 21, 2023 (Docket No. 19). The basis for the Court’s denial appears to be that only a stipulation was filed, without an appropriate letter motion seeking relief, and thus no action was taken by the Court.

Starr respectfully requests the Court’s reconsideration of its Order dated August 31, 2023. Docket No. 19 confirms that Starr’s filing included letter motion dated August 30, 2023 requesting the indicated relief of the extension of time to answer and adjournment of the conference. A proposed Stipulation and Order Extending Time to Respond to Complaint was annexed only as an Attachment to the motion. This Stipulation was submitted as evidence of plaintiff’s consent to the requested relief. Notably, the Stipulation included a signature block for the Court if it wished to so order the Stipulation in lieu of or in addition to an endorsed order of

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the letter or other order mechanism. The filing of the letter motion with an attached stipulation was consistent with prior requests for relief by Starr for an extension of time to answer.

Accordingly, upon reconsideration, Starr respectfully requests that the Court extend its time to answer until November 13, 2023. The proposed extension is on consent of all parties. There have been three prior requests for such an extension made to this Court.

As indicated in Starr's August 30, 2023 letter motion, Starr's answer is presently due on September 12, 2023. The parties have reached an agreement in principle to resolve plaintiff's claims. We are presently memorializing the specific terms of settlement and arranging for any payments related thereto in anticipation of promptly dismissing the action without prejudice. The parties endeavor to complete settlement and dismiss the action without need for the time and cost of Starr to answer or the parties to engage in formal discovery.


Please note that we have unfortunately been required to request multiple extensions of the answer date due to initial unforeseen and unusual delays being provided with all relevant files from Starr, the unavailability of client representatives and counsel during the summer vacation months, and the necessary time to voluntarily exchange documents and negotiate settlement.

The parties additionally request that the Court adjourn the Initial Pretrial Conference, scheduled on September 21, 2023 by telephone at 2:00 p.m., to a date and time of the Court's discretion after Starr's time to answer. The proposed adjournment is similarly on consent of all parties. There have been two prior requests for such an adjournment made to this Court.

We appreciate the Court's time and consideration in this matter.

Respectfully submitted,

KELLY & CURTIS, PLLC

By:   
Steven R. Shapiro

*Attorneys for Defendant*  
STARR INDEMNITY & LIABILITY  
COMPANY

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cc:

**VIA ELECTRONIC FILING**

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*Attorneys for Plaintiff*

THE TRAVELERS INDEMNITY COMPANY

Defendant's application for an extension of time to answer or otherwise respond to the complaint, Dkt. No. 20, is granted. The deadline for defendant to answer or otherwise respond to the complaint is extended to November 13, 2023.

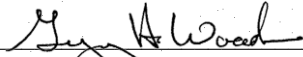
In addition, the parties' request to adjourn the initial pretrial conference, Dkt. No. 20, is granted. The initial pretrial conference scheduled for September 21, 2023 is adjourned to November 21, 2023 at 4:00 p.m. The joint status letter and proposed case management plan described in the Court's March 24, 2023 order are due no later than November 14, 2023.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 20.

SO ORDERED.

Dated: August 31, 2023

New York, New York

  
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GREGORY H. WOODS  
United States District Judge